

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

PUERTO RICO FARM CREDIT, ACA,

Plaintiff

v.

EDGAR RODRIGUEZ-RODRIGUEZ, his
wife AMELIA DEL CARMEN
OCASIO-NAZARIO, and the conjugal
partnership constituted by them;
JULIO RODRIGUEZ-IRIZARRY, his wife
VIRGENMINA RODRIGUEZ-MARTINEZ, and
the conjugal partnership
constituted by them,

Defendants

CIVIL NO. 08-1334 (JP)

JUDGMENT BY DEFAULT

The Court has before it Plaintiff Puerto Rico Farm Credit, ACA's motion for default judgment (**No. 9**). The motion is **GRANTED**. Upon Plaintiff's motion for judgment, and it appearing from the records of the above-entitled cause that default was entered by the Clerk of this Court on April 25, 2008 (No. 8) against Defendants Edgar Rodríguez-Rodríguez, Amelia del Carmen Ocasio-Nazario and their conjugal partnership; and Julio Rodríguez-Irizarry, Virgenmina Rodríguez-Martínez and their conjugal partnership, for their failure to plead or file an answer to the Complaint or otherwise appear in the above cause, Plaintiff is entitled to a judgment by default, and the Court being fully advised of the facts,

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IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The mortgage constituted by **DEFENDANTS EDGAR RODRIGUEZ-RODRIGUEZ AND AMELIA DEL CARMEN OCASIO-NAZARIO** by Deed Number 19 before Notary Public Carlos Tomassini-Ramírez on February 8, 2005, securing a mortgage note, payable to the order of the Puerto Rico Farm Credit, ACA, is a valid and subsisting mortgage and constitutes a lien prior to the estate or interest of Defendants in the above case, on the mortgaged premises, and appear as owners of record of the real estate properties subject of this case. Said properties are described as follows:

PROPERTY NUMBER 1,948

RUSTICA: Predio de terreno compuesto de SIETE CUERDAS CON SESENTA CENTESIMAS DE OTRA (7.60 CDAS.), equivalentes a dos (2) hectáreas, noventa y ocho (98) áreas y setenta y una (71) centiáreas y cuarenta (40) miliáreas, radicado en el Barrio Pasto del término municipal de Guayanilla, Puerto Rico. En lindes por el NORTE, con Antonio Medina, separado por el Río Guayanilla; por el SUR, con Sucesión de Ambrosio Domínguez y Samuel Roig; por el ESTE, con terrenos de Samuel Roig que pasa a formar la parcela "B" de diez cuerdas con cincuenta y cinco centésimas de otra (10.55 cdas.) y por el OESTE, con Antonio Medina separado por el Río Guayanilla, Sucesión de Ambrosio Domínguez separado por el Río Guayanilla.

The mortgage that is being foreclosed herein, that encumbers this above-described property, is recorded at page 67 of volume 222 of Guayanilla, fourteenth (14th) inscription of property number 1,948, Registry of Property, Second (II) Section of Ponce.

PROPERTY NUMBER 1,947

RUSTICA: Predio de terreno compuesto de DIEZ CUERDAS CON CINCUENTA Y CINCO CENTESIMAS DE OTRA (10.55 cdas.),

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equivalentes a cuatro (4) hectáreas, catorce (14) áreas, sesenta y cinco (65) centiáreas y setecientos veinte (720) miliáreas, radicado en el Barrio Jagua de Pasto del término municipal de Guayanilla, Puerto Rico. En lindes por el NORTE, con Herminio Franceschi separado por una quebrada; por el SUR, con Samuel Roig; por el ESTE, con Pedro Ortiz, antes Mario Agapito Caraballo y por el OESTE, con terrenos de Samuel Roig Oliveri.

The mortgage that is being foreclosed herein, that encumbers this above-described property, is recorded at page 70 of volume 222 of Guayanilla, fourteenth (14th) inscription of property number 1,947, Registry of Property, Second (II) Section of Ponce.

PROPERTY NUMBER 506

RUSTICA: Predio de terreno compuesto de NUEVE CUERDAS CON SESENTA Y SIETE CENTESIMAS DE OTRA (9.67 CDAS.), equivalentes a tres (3) hectáreas, ochenta (80) áreas y siete (7) centiáreas, radicado en el Barrio Jagua de Pasto del término municipal de Guayanilla, Puerto Rico. En lindes por el NORTE y ESTE, con terrenos de Luis Roig Labras antes, hoy de Ignacio Roig; por el SUR, con los de Jaime Luzón y su esposa Gracia Ortiz Rentas antes, hoy del mismo Ignacio Roig y por el OESTE, con tierras de Julio Luccas y Ballester antes, hoy Ambrosio Rodríguez.

The mortgage that is being foreclosed herein, that encumbers this above-described property, is recorded at page 73 of volume 222 of Guayanilla, thirty fourth (34th) inscription of property number 506, Registry of Property, Second (II) Section of Ponce.

PROPERTY NUMBER 759

RUSTICA: Trozo de terreno que radica en el Barrio Jagua Pasto del término municipal de Guayanilla, Puerto Rico, compuesto de OCHO CUERDAS (8.00 CDAS.), destinadas a café y pastos, comprendida en los puntos y colindancias siguientes: Principado al saliente en un palo de tártago que hace punto colindando con tierras de la Sucesión de Mario Irizarry y de Antonio Maldonado, de ahí vista al NORTE, en línea recta a una quebrada marcada con una equis

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en límites con terrenos de la Sucesión Maldonado de aquí vista al Poniente con vueltas y revueltas a una guaba marcada con una equis, lindan las tierras de Emilia Maldonado, de ahí vista al SUR, río abajo a un palo de tártago, colindando con terrenos de la Sucesión de Marcos Irizarry, de ahí al punto donde se dio principio con vueltas y revueltas. Contiene este predio una pequeña casita de madera del país para vivienda de arrimados.

The mortgage that is being foreclosed herein, that encumbers this above-described property, is recorded at page 76 of volume 222 of Guayanilla, twenty ninth (29th) inscription of property number 759, Registry of Property, Second (II) Section of Ponce.

PROPERTY NUMBER 1,258

RUSTICA: Predio de terreno compuesto de TREINTA Y TRES CUERDAS CON VEINTISEIS CENTESIMAS DE OTRA (33.26 CDAS.), equivalentes a trece (13) hectáreas, siete (7) áreas, veinticinco (25) centiáreas, radicado en el Barrio Jagua de Paso del término municipal de Guayanilla, Puerto Rico. En lindes por el NORTE, con terrenos de Domingo J. Oliveri antes, hoy con Francisco Pérez; por el NOROESTE, con Tiburcio Tollichí; por el SUR, con terrenos de Rosario Oliveri e hijos; por el ESTE, con el Río Chiquito y Ovidio Vélez y por el OESTE, con más terrenos de Rosario Oliveri e hijos. Esta atraviesa de Noroeste a Suroeste por el Río Chiquito que la divide en dos porciones. Contiene dos casas.

The mortgage that is being foreclosed herein, that encumbers this above-described property, is recorded at page 79 of volume 222 of Guayanilla, thirty third (33rd) inscription of property number 1,258, Registry of Property, Second (II) Section of Ponce.

PROPERTY NUMBER 1,717

RUSTICA: Predio de terreno constante de TREINTA Y TRES CUERDAS CON DIEZ CENTESIMAS DE OTRA (33.10 CDAS.), equivalentes a trece (13) hectáreas, noventa y seis (96) centiáreas y doscientos cuarenta (240) miliáreas, radicado en el Barrio Jagua del Pasto del término municipal de

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Guayanilla, Puerto Rico. En lindes por el NORTE, con terrenos de Herminia Roig Oliveri y Pedro Ortiz hoy, antes Mario Agapito Caraballo; por el SUR, con terrenos de Miguel Roig y el Río Jagua Pasto; por el ESTE, con Emilio Maldonado antes, hoy Samuel Roig Oliveri y por el OESTE, con terrenos de Samuel Roig Oliveri. La porción descrita es el remanente de esta finca.

The mortgage that is being foreclosed herein, that encumbers this above-described property, is recorded at page 82 of volume 222 of Guayanilla, twenty fourth (24th) inscription of property number 1,717, Registry of Property, Second (II) Section of Ponce.

PROPERTY NUMBER 1,718

RUSTICA: Predio de terreno constante de CINCUENTA Y SIETE CUERDAS CON MIL CUATROCIENTOS NOVENTA Y TRES DIEZ MILESIMAS DE OTRA (57.1493 CDAS.), equivalentes a veintidós (22) hectáreas, cuarenta y seis (46) áreas, diecinueve (19) centiáreas y seiscientos nueve (609) miliáreas, radicado en el Barrio Pasto del término municipal de Guayanilla, Puerto Rico. En lindes por el NORTE, con terrenos segregados, hoy de Herminia Roig Oliveri; por el SUR, con el Río Grande, actualmente la finca de Oeste a Este con la carretera estatal número trescientos setenta y ocho (378); por el ESTE, con terrenos de Samuel Roig y por el OESTE, con terrenos de Samuel Roig Oliveri, antes Emilio Maldonado, Sucesión Ambrosio Domínguez y el Río Grande.

The mortgage that is being foreclosed herein, that encumbers this above-described property, is recorded at page 85 of volume 222 of Guayanilla, twenty sixth (26th) inscription of property number 1,718, Registry of Property, Second (II) Section of Ponce.

2. The mortgage constituted by **DEFENDANTS JULIO RODRIGUEZ-IRIZARRY AND VIRGENMINA RODRIGUEZ-MARTINEZ** by Deed Number 129 before Notary Public Carlos Tomassini-Ramírez on June 29, 2005, securing a mortgage note, payable to the order of the Puerto

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Rico Farm Credit, ACA, is a valid and subsisting mortgage and constitutes a lien prior to the estate or interest of the defendants in the above cause, on the mortgaged premises, and appear as owners of record of the real estate properties subject of this case. Said properties are described as follows:

PROPERTY NUMBER 5,344

RUSTICA: Parcela que radica en el Barrio Pasto del término municipal de Guayanilla, Puerto Rico, con una cabida de CIENTO CUARENTA Y SEIS MIL CINCUENTA Y TRES PUNTO VEINTINUEVE (146,053.29) METROS CUADRADOS. En lindes por el NORTE, con Antonio Irizarry Oliveras y Sinfioriano Irizarry Oliveras, hoy Solano Irizarry y Américo Irizarry; por el SUR, con Manuel Rodríguez Rodríguez, Monserrate Rodríguez y Mario Franceschini Maldonado, hoy Julio Rodríguez y René Franceschini; por el ESTE, con Pablo Franceschini, hoy Julio Guilliani y por el OESTE, con Sucesión de Ramón Cintrón, Ramón Muñoz Irizarry, hoy Julio Rodríguez, Ismael Muñoz y José A. Cintrón. Enclava una casa residencial de cemento, madera y zinc que consta de sala, comedor, cocina, dormitorio, baño y balcón.

The mortgage that is being foreclosed herein, that encumbers this above-described property, is recorded at page 202 of volume 207 of Guayanilla, eleventh (11th) inscription of property number 5,344, Registry of Property, Second (II) Section of Ponce.

PROPERTY NUMBER 1,254

RUSTICA: Radicada en el Barrio Pasto del término municipal de Guayanilla, Puerto Rico, compuesta de CUARENTA Y SEIS PUNTO SEIS MIL OCHOCIENTOS CUARENTA Y DOS DIEZ MILESIMAS DE OTRA (46.6842 CDAS.). En lindes por el NORTE, con terrenos de Isidro Irizarry antes, hoy Ramón Caraballo, Monserrate Rodríguez, Juan Muñoz antes, hoy Manuel Irizarry, Victoriano Cintrón, Generoso Quiñones, Binerio, Franceschini antes, hoy Pablo Franceschini; por el ESTE, Binerio Franceschini, Pablo Franceschini ambos antes, hoy Pablo Franceschini y el Río Guayanilla; por el SUR, Binerio Franceschini, hoy con Sucesión y una quebrada y

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por el OESTE, Binerio Franceschini, separado por una quebrada, Isidoro Irizarry antes, hoy Ramón Caraballo, Monserrate Rodríguez, Juan Muñoz, hoy Manuel Irizarry, Victoriano Cintrón y Generoso Quiñones.

The mortgage that is being foreclosed herein, that encumbers this property, is recorded at page 206 of volume 207 of Guayanilla, twenty first (21st) inscription of property number 1,254, Registry of Property, Second (II) Section of Ponce.

PROPERTY NUMBER 109

RUSTICA: Hacienda de Café denominada Concepción radicada en el Barrio Aguas Blancas, del término municipal de Yauco, Puerto Rico. Tiene una cabida de SETECIENTOS OCHENTA Y SEIS MIL SETENTA Y OCHO (786,078.00) METROS CUADRADOS. Linda por el NORTE, con más tierras de Santiago Pietri, separado en parte por un camino la Sucesión de Bartolo Frontera e Israel Padilla, separados por otro camino; por el SUR, con la Hacienda de la Sucesión Vicario y la Sucesión de Isidro Pintado; por el ESTE, con Israel Padilla y la Sucesión Isidro Pintado y por el OESTE, más terrenos de la Sucesión Vicario, Santiago Pietri y Luis Enrique Cátala.

The mortgage that is being foreclosed herein, that encumbers this above-described property is recorded at page 176 of volume 465 of Guayanilla, thirty fifth (35th) inscription of property number 109, Registry of Property, Second (II) Section of Ponce.

3. That Plaintiff Puerto Rico Farm Credit, ACA, a corporation existing under the Act of Congress known as the Agricultural Credit Act of 1987, 12 U.S.C. § 2001, is a federally chartered instrumentality of the United States of America.

4. Defendants' indebtedness with Plaintiff is as follows:

a) \$458,038.74 of principal;

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- b) \$1,725.07 of late charges;
- c) \$63,288.52 of accrued interest on principal as of February 15, 2008;
- d) interest on unmatured principal accruing thereafter at the rate of \$158.8016 daily until the date of its full payment;
- e) \$1,163.75 for expenses related to the cancellation of a mortgage note;
- f) \$2,048.00 of advances for insurance; and
- g) \$52,350.00 as a fixed and liquid amount for the costs, expenses and attorneys fees.

5. Defendants, as debtors of the amounts prayed for in the Complaint, are hereby **ORDERED AND ADJUDGED** to pay unto Plaintiff the amounts specified and set forth in the preceding paragraph 4.

6. In default of the payment of the sums herein specified or of any part thereof within the ten (10) days from the date of entry of this Judgment, said property shall be sold by the Special Master at a public auction to the highest bidder thereof, without an appraisement or right of redemption for the payment and satisfaction of Plaintiff's mortgage within the limits secured thereby.

7. José Gallart, Esq. or Angelique Doble-Bravo, Esq. is hereby designated and appointed Special Master to make the sale hereinbefore mentioned but said Special Master shall not proceed to carry out the said sale, nor do anything in connection therewith, until further

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order of this Court and under the form and conditions to be directed by this Court.

8. The Special Master shall proceed to issue the corresponding notice of sale to be published in a newspaper of general circulation without the need of further orders or writs from this Court. Said notice shall appear once a week during four (4) consecutive weeks.

9. The sale to be made by the Special Master appointed herein shall be subject to the confirmation of this Court, and the purchaser or purchasers thereof shall be entitled to receive possession of the property sold.

a) The minimum bid to be accepted at the first public sale in accordance with the mortgage deed referred to in this auction, in relation with the properties mortgaged in Deed 19 (Deed of Mortgage A) is \$465,500.00, that is, \$13,300.00 for Property 1,948, \$18,050.00 for Property 1,947, \$17,100.00 for Property 506, \$14,250.00 for Property 759, \$57,000.00 for Property 1,258, \$57,000.00 for Property number 1,717 and \$288,800.00 for Property 1,718.

b) For the second public sale, the minimum bid is \$310,333.32, that is, \$8,866.66 for Property 1,948, \$12,033.33 for Property 1,947, \$11,400.00 for Property 506, \$9,500.00 for Property 759, \$38,000.00

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for Property 1,258, \$38,000.00 for Property number 1,717 and \$192,533.33 for Property 1,718.

- c) For the third public sale, the minimum bid is \$232,750.32, that is, \$6,650.00 for Property 1,948, \$9,025.00 for Property 1,947, \$8,550.00 for Property 506, \$7,125.00 for Property 759, \$28,500.00 for Property 1,258, \$28,500.00 for Property number 1,717 and \$144,400.00 for Property 1,718.
- d) The minimum bid to be accepted at the first public sale in accordance with the mortgage deed referred to in this auction, in relation with the properties mortgaged in Deed 129 (Deed of Mortgage B) is \$58,000.00, that is, \$13,000.00 for Property 5,344, \$34,000.00 for Property 1,254 and \$11,000.00 for Property 109.
- e) For the second public sale the minimum bid is \$38,666.65, that is, \$8,666.66 for Property 5,344, \$22,666.66 for Property 1,254 and \$7,333.33 for Property 109.
- f) For the third public sale the minimum bid is \$29,000.00, that is, \$6,500.00 for Property 5,344, \$17,000.00 for Property 1,254 and \$5,500.00 for Property 109.

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10. Any funds derived from the sale to be made in accordance with the terms of this Judgment and such further orders of this Court shall be applied as follows:

- a) To the payment of all proper expenses attendant upon said sale, including the expenses, outlays and compensation of the Special Master appointed herein, after said compensation and expenses shall have been fixed and approved by the Court, all said expenses to be deducted from the sum of \$52,350.00, provided in the deed of mortgage for costs, charges and disbursements, expenses and attorney's fees.
- b) To the payment of all expenses or advances made by Plaintiff for an amount not to exceed \$52,350.00.
- c) To the payment of that part of the indebtedness owed to Plaintiff up to the amount of \$458,038.74 of principal; plus \$1,725.07 of late charges; plus \$63,288.52 of accrued interest on principal as of February 15, 2008, plus interest on unmatured principal accruing thereafter at the rate of \$158.8016 daily until the date of its full payment, plus \$1,163.75 for expenses related to the cancellation of a mortgage note, plus \$2,048.00 of advances for insurance, plus the sum of \$52,350.00 as

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a fixed and liquid amount for the costs, expenses and attorneys fees.

- d) If after making all the above payments there shall be a surplus, said surplus shall be delivered to the Clerk of this Court, subject to further orders of the Court.

11. The Property Registrar of the corresponding Property Registry of Puerto Rico shall proceed to the recording of the judicial sale deed in favor of the purchaser, free of any liens subsequent to the date of the execution of the foreclosed mortgage.

12. Plaintiff in these proceedings may apply to this Court for such further orders as it may deem advisable to its interest in accordance with the terms of this Judgment and the Clerk shall proceed to issue of course all necessary writs to enforce and execute the same. Fed. R. Civ. P. 77(a).

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 23rd day of June, 2008.

s/Jaime Pieras, Jr.
JAIME PIERAS, JR.
U.S. SENIOR DISTRICT JUDGE